

**Milton Town Council Meeting
Milton Theatre, 110 Union Street
Monday, May 4, 2009
7:00 p.m.**

1. PUBLIC PARTICIPATION portion was called to order by Mayor Post at 7:00 pm

- a. Jennifer Bringle: As President of the Garden Club, you guys have been very supportive of us and especially Vice Mayor Betts; you've done a lot of work for us with selling ads for the tour book; that's the House and Garden Tour that's on July 11th. Our winner of the Spring Clean-Up raffle is Sara Burnham, she lives on Lake Drive in Mulberry and she's very excited to get her yard beautified by the Garden Club and as you know, the Horseshoe Crab Festival, that's Saturday, May 23rd will have plants and stuff for sale. Our summer planting we need community support is starting the weekend of May 16th and lastly, I purchased new window boxes for the police station so those will match all the containers downtown, so that will start to look nice shortly. That's all. Just an update with what we're doing. Happy, beautiful and free here in the garden club. Thank you.
- b. Christian Patterson: Good evening, Mayor and Council Members. I am the business manager at Ocean Medical Imaging, the new radiology facility that opened up on Federal Street. I also help manage the Milton Medical Park, as well and I'm also married to Dr. Patterson, who runs Ocean Medical Imaging. I just wanted to stop in and let you know that we are opened and we are almost a full radiology department, like in the hospitals; we offer MRI's, CT Digital Mammography, X-Ray and Ultrasound. We've been opened for almost a month and we've had tremendous feedback from the patients that have found us. I think we're starting to get Milton on the map, because people are starting to say I don't know if I'm going to drive to Milton and then they come in and there is this wonderful, nice facility. One thing that Dr. Patterson does is meet with all of the patients that come in that want to meet with him because now he has the time; whereas he did not when he was in the hospital before. We are really excited to be in the Town of Milton. We had an open house and as you know when you are opening a practice or a business, as I learned, you are running here and there and everywhere so the open house kind of got lost in the mix of all the other crazy things that were going on; so we'll have a re-opening and we'd love for everybody in the town to stop by and come in and see us. You don't need an appointment, just come on in and somebody will be there to take you on the tour around. The building company, Miken that built it, really loved the facility so much, that they've taken pictures and they want to use us in some of their brochure ads. We have a really high state-of-the-art risk pack system; it's the way that radiology information and images are processed through. It's a company

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based out in Los Angeles; and the gentleman that flew in from Los Angeles, who actually works at Cedar Sinai, as well, was just blown away by the facility and the attention to detail and how clean and homey it felt. He was driving around Milton and called it a very charming town and loved it; away from the hustle and bustle of LA and I thought that was really neat. That's really about it. If you have any questions, I left some pamphlets, I gave some up here; but there's some information in the back; we do have a web-site that you can check out; but the door is open and we really love Milton and we hope to become part of the community as we get the practice moving; we're planning on moving the family down here from the Milford area; and we would just like to say that we are really glad to be in Milton and I feel we're going to do great things down here. We've had some other doctors interested in maybe moving into the Milton Medical Park, so we feel that that whole aspect of medicine is coming our way, so we're excited. Thank you very much.

Mayor Post: I toured the facility and it what they've done was phenomenal. It's a great asset to the town.

- c. Ellen Passman: I am representing the Milton Chamber of Commerce this evening and we would like the Council to be aware that once again we have the six annual Horseshoe Crab and now Shorebird Festival and we call it a festival with a purpose. It was originally conceived at the Federal Street Café, but the main component was the fact that it was not just another festival but it had a very strong educational component and that we make the Town Members as well as the children of our community, aware that we have a very special stewardship with the Broadkill River and the beautiful surroundings that we have. The Chamber of Commerce and Prime Hook Wildlife Refuge are the sponsors again this year; they no longer have their October festival, so they are putting their efforts in with the festival that we now have in Milton. I'm going to be leaving some brochures. I don't think there's anybody in Town that doesn't know about the festival now. We're also asking for volunteers, just two hours of your time, so if anyone here is part of a larger organization, Tom Arkinson, who has become a very active member of our community is our volunteer guy, 5956, as we say in Milton, because the rest of it is 684. I would like to thank the Town Council for the opportunity to mention once again the Horseshoe Crab and Shorebird Festival. This year the Chamber of Commerce is going to be opening the art show which Dr. Roo who is a new business in town, has been kind enough and generous enough to sponsor, so we would like to invite the Town Council to attend the Chamber Meeting and to see the opening of the art show. The artists will be in attendance. On Friday, we have the Delaware Comedy Theater; our regular festival on Saturday; and of course, we have a show at the Theater and on Sunday we have kayaking and the Milton Historical Society will be doing walks and I think I've got a John Milton so anybody who comes can have a conversation with a 21st century version of John. We have as our Partner's

this year the Theater, the Historical Society and the Library, so again this is a Festival with a purpose, which is also bringing all our community together and all our non-profits have free access to the festival and the garden club has been a very strong supporter, so I would like to thank you for having me go on about it and have a good evening.

Mayor Post: I will now close the public participation portion of this meeting at 7:09 pm.

2. The Milton Town Council Meeting was called to order by Mayor Post at 7:09 pm.
3. A Moment of Silence was led by Mayor Post.
4. The Pledge of Allegiance to the Flag was said by all in attendance.
5. Roll Call was called by Mayor Post

C Martin-Brown	Present
C Duby	Present
C Hudson	Present
C Abraham	Present
Mayor Post	Present
C Betts	Present
C Prettyman	Absent

6. Additions or Corrections to the Agenda

Mayor Post: Are there any additions or corrections to the agenda? If not can we have a motion to approve it?

C Hudson: I move that we accept the agenda.

C Betts: Second.

Mayor Post: All in favor say "aye". Opposed. Motion carried.

7. Presentation and Approval of Minutes for April 6, 2009.

C Hudson: I move that we accept the minutes of April 6, 2009, as presented.

C Duby: Second.

Mayor Post: We have a motion and a second, is there any discussion? All in favor say "aye". Opposed. Motion carried.

8. Approval of Written Committee Reports

C Martin-Brown: I make a motion to accept and approve the committee reports that have been submitted to us, as written.

C Betts: Second

Mayor Post: We have a motion and a second. Is there any discussion? All in favor of accepting the committee reports, as written, please say "aye". Opposed. Motion carried.

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a. Town Manager's Report

George Dickerson: Good evening Mayor and Council. I would like to give you an update first on the Rails to Trails project. As of the end of April, the trail had been approved by DNREC to cover with the clean fill and stone, which is after they took out the hazardous material from there; that was the next step. There is only a small portion that is actually uncovered at this time; and that is at the end of the street near Chestnut. Sidewalks have been placed on the Cannery Village side of Chestnut Street and the sidewalk will be placed on the other side of Chestnut as well as on both sides of Federal Street. Angerstein's has graciously donated over 500 sq. ft. of brick pavers needed for that project; so we need to thank them and appreciate that very much on their behalf. Jennifer has a 6-month budget review. You remember we had the budget meeting. All of you have budget notebooks; these pages are the updates that were approved and these pages will replace those in your notebooks for the up-to-date for the 6-month budget review. You may have seen the reassessment people around town. I had called and checked with them. Of about 1,396 properties, they've completed almost half of them, about 604. They've actually been out taking pictures and measuring houses and those types of things. You will see them in town and that's the progress they've made at this point. General Code: we got word on the manuscript; you remember early on we were up against a deadline to get that manuscript back to them after we had looked at all those revisions; those actually went back to them and we should receive the final binders by mid-July, they tell us. So they are actually going to the printing stage; and you will actually have your hard binder book. Actually that's all I have unless there are any questions of me.

C Martin-Brown: I have a question of Rails to Trails. The train tracks on Federal Street, are they going to be taken up?

George Dickerson: Yes, the iron track will be removed. That's my understanding, because that actually extends to the western side of Federal.

C Martin-Brown: Because there is a school north of the tracks and a school south of the tracks and the buses have to keep stopping, so when the tracks are gone it will be a lot safer, because every time a bus stops there is a potential they could get rammed in the back, so that's why I was asking about those tracks being removed.

b. Written Reports

Maintenance

C Duby: I make a motion we accept the written report from the Maintenance Department, as written.

C Martin-Brown: Second

Mayor Post: We have a motion and second; any discussion? All in favor say "aye". Opposed. Motion carried.

Project Coordinator/Code Enforcer

C Abraham: I make a motion to accept the Project Coordinator/Code Enforcer report, as written.

C Betts: Second.

Mayor Post: We have a motion and second, is there any discussion? All in favor say “aye”. Opposed. Motion carried.

Police Report:

C Duby: I make a motion to accept the Police Report, as presented.

C Martin-Brown: Second.

Mayor Post: We have a motion and second; any discussion? All in favor say “aye”. Opposed. Motion carried.

9. Old Business

None

10. New Business

a. Approval of Annual Drinking Water Quality Report

George Dickerson: This is a written report. It is a very good report if you do read it. Also, Dustan informs me that last week the State was down and inspected all of our well houses and all of their water and we passed with flying colors, so that was also very good. We also entered a water taste test within the State and we came in third in the State, behind Artesian; which is very good for the whole state.

Mayor Post: That will get posted on the web-site.

C Duby: I move approval of the Annual Drinking Water Quality Report.

C Hudson: Second.

Mayor Post: We have a motion and a second. Is there any discussion to the motion? All in favor say “aye”. Opposed. Motion carried.

b. Ratifying closing of Prettyman Street – Request from St. John’s Church (this is more a formality, because it already has been done.)

Mayor Post: In the future, I think this should not come to the Town Council; it should go directly to the Chair of the Streets & Sidewalks Department and the Town Administration. I don’t think it is something that should come for a vote in front of the Town Council, but we’ll make sure we’re not in any violation in doing such, but at this time, we need this for the town-wide yard sale that they hold annually at St. John’s Church participates in.

Vice Mayor Betts: I would like to make a motion to ratify the closing of Prettyman Street.

C Abraham: Second.

Mayor Post: We have a motion and a second. Is there any discussion to the motion? All in favor say “aye”. Opposed. Motion carried.

C Hudson: Mr. Mayor, as a point of intervention, now that the motion is carried, could there be a motion and discussion considered under new business at the next meeting about the closing of streets?

Mayor Post: The process, yes that would be good. They always have, but I think it's time that we fast-tracked that.

- c. Request From Schell Brothers To Extend Construction Hours In Order To Rebuild Homes Within Heritage Creek Due To Hardship Caused By Arson Fire

Mayor Post: I will read this letter from Schell Brothers: "Last Friday's arson that took place at Heritage Creek was a devastating blow to our company and customers. As I am sure you have already heard the damage that took place was substantial. One model will need to be totally rebuilt; one model received some damage; and one contracted house also received significant damage. It's our intention to rebuilt and restore these homes immediately and imperative to our business to complete this mission as quickly as possible. For this reason, we are requesting that the Town of Milton relax the posted construction work hours for these two models and customer house for what we believe is an extreme hardship case. We are just starting what is the main selling season for new homes from April through October and the quicker we complete these models, the better success we will have with our sales for this community. At this time, we have nobody occupying homes in the neighborhood so we feel that working until 7:00 pm or working on Sunday will not impact anyone in close proximity to our project. We are hopeful that you are understanding and sympathetic to our situation. Look forward to hearing from you on this matter. If you can forward this request to anyone else involved in this decision, I would appreciate it. Sincerely, Mark Fitzgerald, Vice President of Operations". As we know, we do have a severe hardship in this issue.

Mary Schrider-Fox: I see Schell Brothers on a shirt out there, so I think we have someone here to speak to this matter.

Mayor Post: Very good.

Representative of Schell Brothers: Thank you and we appreciate everyone's support from the Town of Milton, the Fire Department. What happened to us a week and a half ago, two days after ribbon-cutting, 24 hours prior to our grand opening weekend, was definitely a set-back. It's our intention to get back in business as quickly as possible; we've already set up in an older model. The one model we think we can get back in about 3 to 4 weeks; the other model will be a tear down and we're waiting to hear back from the insurance company on the third house. It looks like that may go to a tear down, as well. We respect the hours that the town has in place; but what we'd like is a waiver to work this time of year it's not uncommon for some of our contractors to be willing to work into the evening hours; same thing on Saturday; we realize Sunday is a sensitive topic; ideally we would like to be able to work 7 days a week; but if we could get 7 am to sunset, Monday

through Saturday, that would be a great help; to allow us to expedite the schedule. It would be our desire and our hope you would see the situation we're in and just give us a waiver for those three houses.

Mayor Post: Now, you're looking for the waiver anyways for just those three homes, right? That's what I thought.

Representative of Schell Brothers: Yes, that's correct. We're not trying to change the rules; we have a couple of other houses getting ready to start; but the goal was to get those three houses addressed quickly.

Vice Mayor Betts: I would like to make the motion to waive the house for Schell Brothers to extend the hours from Monday through Saturday.

Mayor Post: Well, they're asking for Sunday, too.

Representative of Schell Brothers: We're open to it; we'd love to work seven days a week; but we realize that Sunday is probably something that we don't need to touch. Our desire would be Monday through Saturday, from 7 am to sunset.

C Hudson: Can you modify it and make it seven days a week?

Vice Mayor Betts: I'm willing to, but he just said Monday to Saturday; but if you would like it included in Sunday.

Representative of Schell Brothers: We would love that if we have some contractors that are available.

Mayor Post: This is an extreme situation.

Vice Mayor Betts: I'll amend my waiver to include Sunday and Monday through Saturday, to the three houses from 7 am until sunset.

C Duby: Second.

Mayor Post: We have a motion and a second. Is there any discussion to the motion? All in favor say "aye". Opposed. Motion carried.

11. Mayor Post: We will need to call an Executive Session.

C Duby: I move we go into Executive Session at 7:24 pm.

Vice Mayor Betts: Second.

Mayor Post: We have a motion and a second to go into Executive Session. Is there any discussion to the motion? All in favor say "aye". Opposed. Motion carried.

C Duby: Mr. Mayor, I make a motion that we come out of Executive Session.

Vice Mayor Betts: Second.

Mayor Post: We have a motion and a second to come out of Executive Session. Is there any discussion to the motion? All in favor say "aye". Opposed. Motion carried. Coming out of Executive Session at 7:50 pm.

C Duby: I would like to make a motion that we approve the action discussed as to pending litigation with the discussed contingencies that cover it.

C Hudson: Second.

Mayor Post: We have a motion and a second. Any further discussion? All in favor say "aye". Opposed. Motion carried.

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C Duby: I approve and accept the recommendation of the Personnel Committee, as discussed in Executive Session.

Vice Mayor Betts: Second.

Mayor Post: We have a motion and a second. All in favor say “aye”. Opposed.
Motion carried.

12. Adjournment

Vice Mayor Betts: I make a motion to adjourn.

C Abraham: Second.

Mayor Post: We have a motion and a second. Is there any discussion? All in favor say “aye”. Opposed. Motion to close at 7:51 pm.